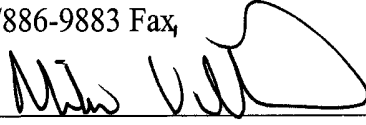


CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
DEPUTY CLERK

Respectfully submitted,

GUNN & LEE, P.C.  
700 N. St. Mary's Street, Suite 1500  
San Antonio, Texas 78205  
210/886-9500  
210/886-9883 Fax,

By:   
Ted D. Lee  
State Bar No. 12137700  
Miguel Villarreal, Jr.  
State Bar No. 24042095


ATTORNEYS FOR PLAINTIFFS,  
THE BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEM and  
RADWORKS CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing "Motion for Entry of Scheduling Order" was served on the following attorney(s) of record by facsimile and by first class mail on this 14<sup>th</sup> day of February, 2005:

Jeffrey R. Parsons  
Bruce C. Morris  
Beirne Maynard & Parsons, L.L.P.  
1300 Post Oak Blvd. 25<sup>th</sup> Floor  
Houston, TX 77056

Stephen M. Hankins  
Jeffrey R. Williams  
Paul M. Previde  
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One Market  
Spear Street Tower, 32<sup>nd</sup> Floor  
San Francisco, CA 94105

  
Miguel Villarreal, Jr.



4. Markman Hearing Deadlines

- a. Designation of Plaintiffs' *Markman* witnesses, if any, including experts shall be served by **September 2, 2005**.
- b. Plaintiffs' *Markman* brief shall be filed and served by **September 2, 2005**.
- c. Designation of Defendants' *Markman* witnesses, if any, including experts shall be served by **September 16, 2005**.
- d. Defendants' *Markman* brief shall be filed and served by **September 16, 2005**.
- e. Plaintiffs shall file any reply brief to defendants' *Markman* brief by **September 26, 2005**.
- f. The parties are to exchange, with an index, all exhibits that will be provided to the Court for the *Markman* hearing by **October 3, 2005**.
- g. The parties are to file any objections to *Markman* exhibits by **October 10, 2005**.
- h. Further, not less than **seven (7)** days prior to the *Markman* hearing, the parties shall confer and attempt to reduce the number of issues for the *Markman* hearing and provide a list to the Court of any outstanding claim construction or evidentiary issues.

5. The *Markman* hearing is set for **October 21, 2005**, at 9:30 a.m.

6. Plaintiffs shall FILE their designation of potential witnesses, testifying experts, and proposed exhibits, and shall SERVE on all parties, but not file the materials required by Fed.R.Civ.P. 26(a)(2)(B) **not later than four (4) weeks after the Court's ruling on the Markman hearing**. Defendants shall FILE their designation of potential witnesses, testifying experts, and proposed exhibits, and shall SERVE on all parties, but not file the material required by Fed.R.Civ.P. 26(a)(2)(B) **not later than eight (8) weeks after the Court's ruling on the Markman hearing**. All designations of rebuttal experts shall be FILED within 15 days of receipt of the report of the opposing expert.

7. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **21** days of receipt of the written report of the expert's proposed testimony, or within **21** days of the expert's deposition, if a deposition is taken, whichever is later.

8. All dispositive motions shall be filed **not later than twelve (12) weeks after the Court's ruling on the Markman hearing**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to **20** pages in length.

9. The parties shall complete all discovery **not later than twelve (12) weeks after the Court's ruling on the Markman hearing**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court

except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

10. This case is set for trial on \_\_\_\_\_ at \_\_\_\_\_ .m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

SIGNED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Xavier Rodriguez  
United States District Judge

AGREED:

  
\_\_\_\_\_  
Ted D. Lee

Miguel Villarreal, Jr.  
Gunn & Lee, P.C.  
700 N. St. Mary's St., Suite 1500  
San Antonio, TX 78205

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ATTORNEYS FOR DEFENDANTS

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10. This case is set for trial on \_\_\_\_\_ at \_\_\_\_\_ .m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

SIGNED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

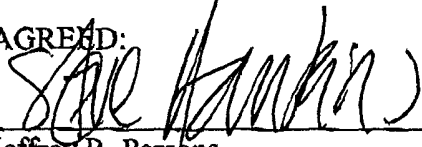
\_\_\_\_\_  
Xavier Rodriguez  
United States District Judge

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